

EHB 1285

THE STATE SENATE
Monday, April 11, 2005

ENGROSSED

House Bill No. 1285

ENGROSSED HOUSE BILL NO. 1285 - By: DEUTSCHENDORF of the House and
LAWLER of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Sections
8-103, as amended by Section 12, Chapter 434, O.S.L. 2003
and 8-103.1 (70 O.S. Supp. 2004, Section 8-103), which
relate to the Education Open Transfer Act; changing certain
application procedure deadlines; providing for the automatic
transfer of certain students; exempting students granted an
automatic transfer from application requirement; prohibiting
cancellation of transfers for certain reasons; providing an
effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2001, Section 8-103, as
amended by Section 12, Chapter 434, O.S.L. 2003 (70 O.S. Supp. 2004,
Section 8-103), is amended to read as follows:

Section 8-103. A. In order that any student may be
transferred, an application form specified by the State Board of
Education must be completed by the parents of the student. For
purposes of the Education Open Transfer Act, the term "parent" means
the parent of the student or person having custody of the student as
provided for in paragraph 1 of subsection A of Section 1-113 of this
title. The application shall be obtained from and filed with the
superintendent of the receiving school district for transfers to
school districts in the State of Oklahoma and with the State Board

1 of Education for transfers to school districts in another state.
2 Applications shall be filed no later than ~~February~~ April 1 of the
3 school year preceding the school year for which the transfer is
4 desired. By ~~March~~ May 1 of the same school year, the receiving
5 school district shall notify the resident school district that an
6 application for transfer has been filed by a student enrolled in the
7 resident school district. The board of education of the receiving
8 school district shall approve or deny the application for transfer
9 not later than June 1 of the same year and shall notify the parents
10 of the student of the decision. By July 1 of the same year, the
11 parents of the student shall notify the receiving school district
12 that the student will be enrolling in that school district. Failure
13 of parents to notify the district as required may result in loss of
14 the student's right to enroll in the district for that year.

15 B. On or before September 1, it shall be the duty of the
16 superintendent of the receiving school district to file with the
17 State Board of Education and each resident district a statement
18 showing the names of the students granted transfers to the school
19 district, the resident school district of the transferred students
20 and their respective grade level.

21 C. The receiving school district of a student transferred
22 pursuant to the provisions of this act shall notify the resident
23 school district and parents of the student of a cancellation of the

1 transfer. Such notice shall be made by June 1 prior to the school
2 year for which the cancellation is applicable.

3 D. If a receiving school district denies an application for
4 transfer filed by a student pursuant to this section and the school
5 district then grants an emergency transfer to the student during the
6 same calendar year the application for transfer was filed, the
7 student shall automatically be granted a transfer pursuant to the
8 provisions of the Education Open Transfer Act to the receiving
9 school district for the next school year. A student granted an
10 automatic transfer pursuant to this subsection shall not be required
11 to submit an application as required in subsection A of this
12 section.

13 SECTION 2. AMENDATORY 70 O.S. 2001, Section 8-103.1, is
14 amended to read as follows:

15 Section 8-103.1 A local school district board of education
16 which receives a request for a transfer for a student who does not
17 reside in the school district may refuse the transfer in accordance
18 with the provisions of the open transfer policy adopted by the local
19 school district board of education. Each local board of education
20 shall adopt an open transfer policy for the school district which
21 specifies its criteria and standards for approval of transfers of
22 students who do not reside in the district. The policy shall
23 include, but shall not be limited to, provisions relating to the

1 availability of programs, staff, or space as criteria for approval
2 or denial of transfers. A school district may include in the policy
3 as the basis for denial of a transfer, the reasons outlined in
4 Section 24-101.3 of ~~Title 70 of the Oklahoma Statutes~~ this title.

5 In considering requests for students to transfer into a school
6 district, the board of education shall consider the requests on a
7 first-come, first-serve basis. A school district shall not accept
8 ~~or~~ deny, or cancel a transfer based on ethnicity, national origin,
9 gender, income level, disabling condition, proficiency in the
10 English language, measure of achievement, aptitude, or athletic
11 ability.

12 Notwithstanding the provisions of the Education Open Transfer
13 Act, transfers of children with disabilities shall be granted as
14 authorized in Section 13-103 of ~~Title 70 of the Oklahoma Statutes~~
15 this title.

16 SECTION 3. This act shall become effective July 1, 2005.

17 SECTION 4. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

21 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 4-4-05 - DO PASS.